

**COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION**

<b>Policy Number:</b>	<b>03-03</b>
<b>Effective Date:</b>	<b>March 27, 2003</b>
<b>Revision #:</b>	<b>1</b>
<b>Revision Date:</b>	<b>July 21, 2003</b>
<b>Title:</b>	<b>Declaration of Funding and Priority of Service for Adults under the Workforce Investment Act</b>

## **PURPOSE**

Although Workforce Investment Act (WIA) funds are presumed to be limited, the status of funds across Virginia varies. Therefore, local areas must survey the economic conditions, unemployment rates, demand industries and occupations, etc. to determine whether or not this presumed interpretation is prevalent in their respective areas. Additionally, as customers' needs increase and begin to direct the flow of WIA funds, it becomes necessary to prioritize. This policy provides the process for making this declaration and prioritizing services delivered to adults in the local area.

## **REFERENCES**

Code of Virginia, Section 9-329.1(F).

Workforce Investment Act; Interim Final Rule, 20 CFR Parts 663.

P.L. 105-220, Workforce Investment Act (WIA), Sections 101, 121 and 134. Federal Register, April 15, 1999 (Volume 64, No. 72), U. S. Department of Labor.

Training and Employment Guidance Letter No. 7-99, March 3, 2000 - Core and Customer Satisfaction Performance Measures for the Workforce Investment System.

## **POLICY STATEMENT**

Annually, Local Workforce Investment Boards (LWIBs) must determine whether funds allocated to serve the eligible adults under WIA are limited. This determination, whether limited or unlimited, must be documented, made available for public comment and forwarded to the WIA Division. In the event that funds are declared limited, the LWIB must also develop a priority of service policy that demonstrates how services will be provided to the eligible adults in the area. As economic conditions (and other variables used to make this determination) change, this declaration must be revised to accommodate these variances.

### **Making the Determination**

In order to determine if adult funds are limited, LWIBs must take into consideration the availability of other workforce investment funding, including National Emergency Grants, Rapid Response funds, Temporary Assistance for Needy Families funds and any other public or private resources that are available to fund employment and training activities in the local area.

Subsequently, the LWIB must consider the current economic conditions of the local area, including population and demographic data, unemployment statistics, labor market information, and past expenditure trends in employment and training activities.

In addition to research gathered from surveying the aforementioned resources, all of the following must be true if a LWIB declares that local funds are **UNLIMITED**:

1. The LWIB receives funds from other sources that is equivalent to at least 50% of the total WIA allocation.
2. The LWIB receives in-kind contributions from other sources that is equivalent to at least 25% of the total WIA allocation.
3. The local area has an unemployment rate that is less than the state average.

All of the information used in the determination must be documented and submitted to the WIA Division. The official declaration must be stated in the local strategic plan, which can be updated through amendment, as necessary. The documentation provided to the WIA Division must also include the approximate cost of providing workforce investment services to each participant, and the number of participants (new and existing) that are anticipated during the program year.

### **Priority of Service Policy**

In the event that adult funds are determined to be limited, the LWIB must develop a priority of service policy. At a minimum, the policy must grant first priority to individuals who are receiving public assistance or are classified as “low-income” in accordance with WIA definitions. Additional priorities may also be set for specific populations, such as individuals with significant barriers to employment or for participants interested in training for occupations that are in demand in the area.

***Establishing a priority does not prohibit the LWIB from serving other eligible participants, as well.*** The priority may be established by providing services based on points that are assigned to specific barriers or reserving a percentage of available funds for target populations.

**ATTACHMENT:** Attachment A: ***Priority of Service Requirements***

**RESCISSIONS:** This policy replaces a portion of 00-06, “Universal Access, Adult Eligibility and Priority of Services.”

**APPROVED:**

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Michael A. Daniels, Chairman  
Virginia Workforce VWC

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Dolores A. Esser, Commissioner  
Virginia Employment Commission

**DATE:** July 21, 2003

**COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION  
POLICY NUMBER 2003-03  
ATTACHMENT A: PRIORITY OF SERVICE REQUIREMENTS**

**Priority of Service (Federal)**

The Preamble to the Federal Register presumes that adult funds are generally limited, thus often insufficient to provide adult employment and training activities to all interested participants. Thus, Federal law stipulates that in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance (defined as cash assistance) and other low-income individuals for intensive services and training services. Federal priority guidelines apply to adult funds only, therefore funds allocated for youth and dislocated workers are not subject to this requirement [20 CFR 663.610].

The definition for “low-income individual” reflected in WIA Title I Subtitle A, Section 101 must be used by LWIBs when developing screening criteria, data collection and documentation process.

**Priority of Service (State)**

Periodically, the Governor will designate special populations for priority of service. A Field Guidance Memorandum will be submitted from the WIA Division to notify local areas of those designations as they become available.

**Priority of Service (Local)**

LWIBs must develop priority of service guidelines that reflect the special needs of their local areas, in concordance with federal mandate to serve public assistance recipients and other low-income populations, if and when adult funds are limited. The priority of service policy must include, but is not limited to, guidelines addressing the following issues:

1. Timing of Policy Application - Is this a constant local policy from day one of WIA implementation, or will the policy trigger upon certain obligation or expenditure levels of WIA adult funds? Any threshold for triggering this policy must be clearly delineated. In addition, the process for determining the availability of funds must also be clearly delineated.
2. Special Populations - Any adult priority of service policy must **include** recipients of public assistance and other low-income individuals in the local area.
3. Financial Resources - Criteria may include the availability of other funds for providing employment and training related services in the local area, the needs of specific groups in the local area, or other appropriate factors.

As clarified in 20 CFR 663.600, the process for determining whether to apply the priority provision **does not** necessarily mean that **ONLY** recipients on public assistance and other low income individuals may receive WIA adult-funded intensive and training services when funds are determined to be limited in a local area. The LWIB may establish a process that gives priority for

services to recipients on public assistance and other low-income individuals that also serves other individuals meeting eligibility requirements.

Since core services must be universally available to all adults, residency may not be used for priority of services regarding core services. Subsequently, adults cannot be categorically denied enrollment into intensive and training services based on residency. However, if resources are limited for workforce development activities, LWIBs and chief local elected officials may use certain residency considerations as part of a priority ranking system. For example, clients who live in certain counties with high unemployment rates may receive a higher ranking than those that live in other areas within the local area. Those that reside outside of the local area may receive a lower ranking than those that live within the area.

LWIBs may also have different levels of priority for intensive services and training services. Any priority ranking system set up by a LWIB must be consistently applied at all one-stop centers within that local area. Additionally, the participant selection process that is based on this priority system must be appropriately documented. Any priority ranking system must be included in the local plan and approved by the Governor.